1. <u>Present Status of Patent Application</u>

This is a full and timely response to the outstanding non-final Office Action mailed September 12, 2007. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2. <u>Response to Rejections of Claims under 35 U.S.C. § 103</u>

A. <u>Claims 1-3, 5-7, 9, 11, 13-15, 17, 19, and 21-23</u>

Claims 1-3, 5-7, 9, 11, 13-15, 17, 19, and 21-23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *BTAS User Documentation* in view of *Reynolds* (U.S. Patent Publication No. 2003/0126195 A1).

i. <u>Claim 1</u>

As provided in independent claim 1, Applicants claim:

> A telecommunications telemetry assignment system, comprising:
> assignment logic operable to assign a plurality of telecommunications telemetry equipment and ports to a plurality of network elements, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;
> collection logic operable to receive assignments from the assignment logic and store the assignments in a database; and
> **graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment.**

(Emphasis added).

Claim 1 is patentable over *BTAS* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest "graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical

format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as emphasized above.

The Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (e.g., web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *BATS* in view of *Reynolds* fails to teach or suggest at least "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1.

Therefore, claim 1 is patentable over *BTAS* in view of *Reynolds*, and the rejection should be withdrawn.

ii. Claims 2-3 and 5-7

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 2-3 and 5-7 depend from claim 1 and recite additional features, claims 2-3 and 5-7 are allowable as a matter of law over the cited art.

iii. Claim 9

As provided in independent claim 9, Applicants claim:

A method of assigning telecommunications telemetry equipment, comprising:

> *providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;*
>
> receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and
>
> storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

(Emphasis added).

Claim 9 is patentable over *BTAS* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as emphasized above.

The Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user

interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *BATS* in view of *Reynolds* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 9.

Therefore, claim 9 is patentable over *BTAS* in view of *Reynolds*, and the rejection should be withdrawn.

iv. Claims 11 and 13-15

For at least the reasons given above, claim 9 is allowable over the cited art of record. Since claims 11 and 13-15 depend from claim 9 and recite additional features, claims 11 and 13-15 are allowable as a matter of law over the cited art.

v. Claim 17

As provided in independent claim 17, Applicants claim:

A computer readable medium having a program for assigning telecommunications telemetry equipment, the program operable to perform:

providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;

receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and

storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

(Emphasis added).

Claim 17 is patentable over *BTAS* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as emphasized above.

The Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages."

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See para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *BATS* in view of *Reynolds* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 17.

Therefore, claim 17 is patentable over *BTAS* in view of *Reynolds*, and the rejection should be withdrawn.

vi. Claims 19 and 21-23

For at least the reasons given above, claim 17 is allowable over the cited art of record. Since claims 19 and 21-23 depend from claim 17 and recite additional features, claims 19 and 21-23 are allowable as a matter of law over the cited art.

B. Claims 1-3, 6, 7, 9, 11, 13-15, 17, 19, and 21

Claims 1-3, 6, 7, 9, 11, 13-15, 17, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wickham* (U.S. Patent No. 6,307,546 B1) in view of *Reynolds* (U.S. Patent Publication No. 2003/0126195 A1).

i. Claim 1

As provided in independent claim 1, Applicants claim:

> A telecommunications telemetry assignment system, comprising:
> assignment logic operable to assign a plurality of telecommunications telemetry equipment and ports to a plurality of network elements, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;
> collection logic operable to receive assignments from the assignment logic and store the assignments in a database; and
> **graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment.**

(Emphasis added).

Claim 1 is patentable over *Wickham* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as emphasized above.

In contrast, *Wickham* describes a "PC-based craft interface product 63 (FIG. 4) programmed with the Snialltalk object-oriented language, which can <u>be plugged into a terminal</u> 12." Col. 6, lines 16-20 (Emphasis added). Each "Litespan^{TM} terminal 12 has common control (CC) banks 28 and access multiplexers including fiber banks 30 for various kinds of fiber connections and channel banks 32 for various kinds of subscriber drops such as POTS, ISDN, HFC." Col. 5, lines 48-52. Accordingly, *Wickham* does not

disclose that a computer can retrieve assignments using a web interface. As such, *Wickham* fails to teach or suggest at least "graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1.

Moreover, the Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (e.g., web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *Wickham* in view of *Reynolds* fails to teach or suggest at least "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1.

Therefore, claim 1 is patentable over *Wickham* in view of *Reynolds*, and the rejection should be withdrawn.

ii. Claims 2-3 and 6-7

For at least the reasons given above, claim 1 is allowable over the cited art of record. Since claims 2-3 and 6-7 depend from claim 1 and recite additional features, claims 2-3 and 6-7 are allowable as a matter of law over the cited art.

iii. Claim 9

As provided in independent claim 9, Applicants claim:

A method of assigning telecommunications telemetry equipment, comprising:

> ***providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;***
>
> receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and
>
> storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

(Emphasis added).

Claim 9 is patentable over *Wickham* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as emphasized above.

In contrast, *Wickham* describes a "PC-based craft interface product 63 (FIG. 4) programmed with the Snialltalk object-oriented language, which can <u>be plugged into a</u>

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terminal 12." Col. 6, lines 16-20 (Emphasis added). Each "Litespan™ terminal 12 has common control (CC) banks 28 and access multiplexers including fiber banks 30 for various kinds of fiber connections and channel banks 32 for various kinds of subscriber drops such as POTS, ISDN, HFC." Col. 5, lines 48-52. Accordingly, *Wickham* does not disclose that a computer can retrieve assignments using a web interface. As such, *Wickham* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 9.

The Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *Wickham* in view of *Reynolds* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of

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telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 9.

Therefore, claim 9 is patentable over *Wickham* in view of *Reynolds*, and the rejection should be withdrawn.

iv. Claims 11 and 13-15

For at least the reasons given above, claim 9 is allowable over the cited art of record. Since claims 11 and 13-15 depend from claim 9 and recite additional features, claims 11 and 13-15 are allowable as a matter of law over the cited art.

v. Claim 17

As provided in independent claim 17, Applicants claim:

A computer readable medium having a program for assigning telecommunications telemetry equipment, the program operable to perform:

providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element;

receiving telecommunications telemetry equipment assignments from the user via the graphical user interface; and

storing the telecommunications telemetry equipment assignments received from the user in a database for later retrieval.

(Emphasis added).

Claim 17 is patentable over *Wickham* in view of *Reynolds* for at least the reason that the cited art fails to teach or suggest at least "providing a graphical user interface to

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a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as emphasized above.

In contrast, *Wickham* describes a "PC-based craft interface product 63 (FIG. 4) programmed with the Snialltalk object-oriented language, which can be plugged into a terminal 12." Col. 6, lines 16-20 (Emphasis added). Each "Litespan™ terminal 12 has common control (CC) banks 28 and access multiplexers including fiber banks 30 for various kinds of fiber connections and channel banks 32 for various kinds of subscriber drops such as POTS, ISDN, HFC." Col. 5, lines 48-52. Accordingly, *Wickham* does not disclose that a computer can retrieve assignments using a web interface. As such, *Wickham* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 17.

Moreover, the Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. With respect to *Reynolds*, it describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe

received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *Wickham* in view of *Reynolds* fails to teach or suggest at least "providing a graphical user interface to a user, the graphical user interface comprising a plurality of telecommunications telemetry equipment and network elements which are displayed to the user in a format substantially similar to the physical construction of the telecommunications telemetry equipment, the graphical user interface being further operable to allow the user to make telecommunication telemetry equipment assignments using web communications, wherein telemetry of a network element is tracked by a telecommunication telemetry equipment that is assigned to the network element," as recited in claim 17.

Therefore, claim 17 is patentable over *Wickham* in view of *Reynolds*, and the rejection should be withdrawn.

vi. Claims 19 and 21

For at least the reasons given above, claim 17 is allowable over the cited art of record. Since claims 19 and 21 depend from claim 17 and recite additional features, claims 19 and 21 are allowable as a matter of law over the cited art.

4. Response to Rejections of Claims under 35 U.S.C. § 103(a)

Claims 4, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Goodwin* (U.S. Patent No. 6,970,851 B2). Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Zimmer* (U.S. Patent Publication No. 2003/0051226 A1). Claims 8, 16, and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of

Reynolds in further view of *Edwards* (U.S. Patent No. 5,590,360). Claims 22 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Kidder* (U.S. Patent No. 6,445,774 B1). Claims 4, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *BTAS User Documentation* in view of *Reynolds* in further view of *Jain* (U.S. Patent Publication No. 2003/0224339 A1). Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *BTAS User Documentation* in view of *Reynolds* in further view of *Song* (U.S. Patent No. 6,742,018 B1).

For at least the reasons given above, independent claims 1, 9, and 17 are allowable over the cited art of record. Since claims 4, 8, 10, 12, 16, 18, 20, and 22-24 depend from claims 1, 9, or 17 and recite additional features, claims 4, 8, 10, 12, 16, 18, 20, and 22-24 are allowable as a matter of law over the cited art. Moreover, the cited art of *Goodwin*, *Zimmer*, *Edwards*, *Kidder*, and *Song* fails to cure the deficiencies of the cited art.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicants reserve the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicants. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

Charles W. Griggers, Reg. No. 47,283

THOMAS, KAYDEN,
  HORSTEMEYER & RISLEY, L.L.P.
Suite 1500
600 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500